



REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2012-04

LEGISTAR #: 20120615

LANDOWNERS: F&M South Cobb LLC
James Freeman
380 Clark Creek Pass
Acworth, GA 30102

APPLICANT: Keith Cristal
72 Atlanta Street
Marietta, GA 30060

PROPERTY ADDRESS: 85 Atlanta Street

PARCEL DESCRIPTION: Land Lot 12310, District 16, Parcel 1060

AREA: 0.167 acs **COUNCIL WARD:** 5

EXISTING ZONING: CBD (Central Business District)

REQUEST: CBD with an additional use to allow for auto rental

FUTURE LAND USE MAP

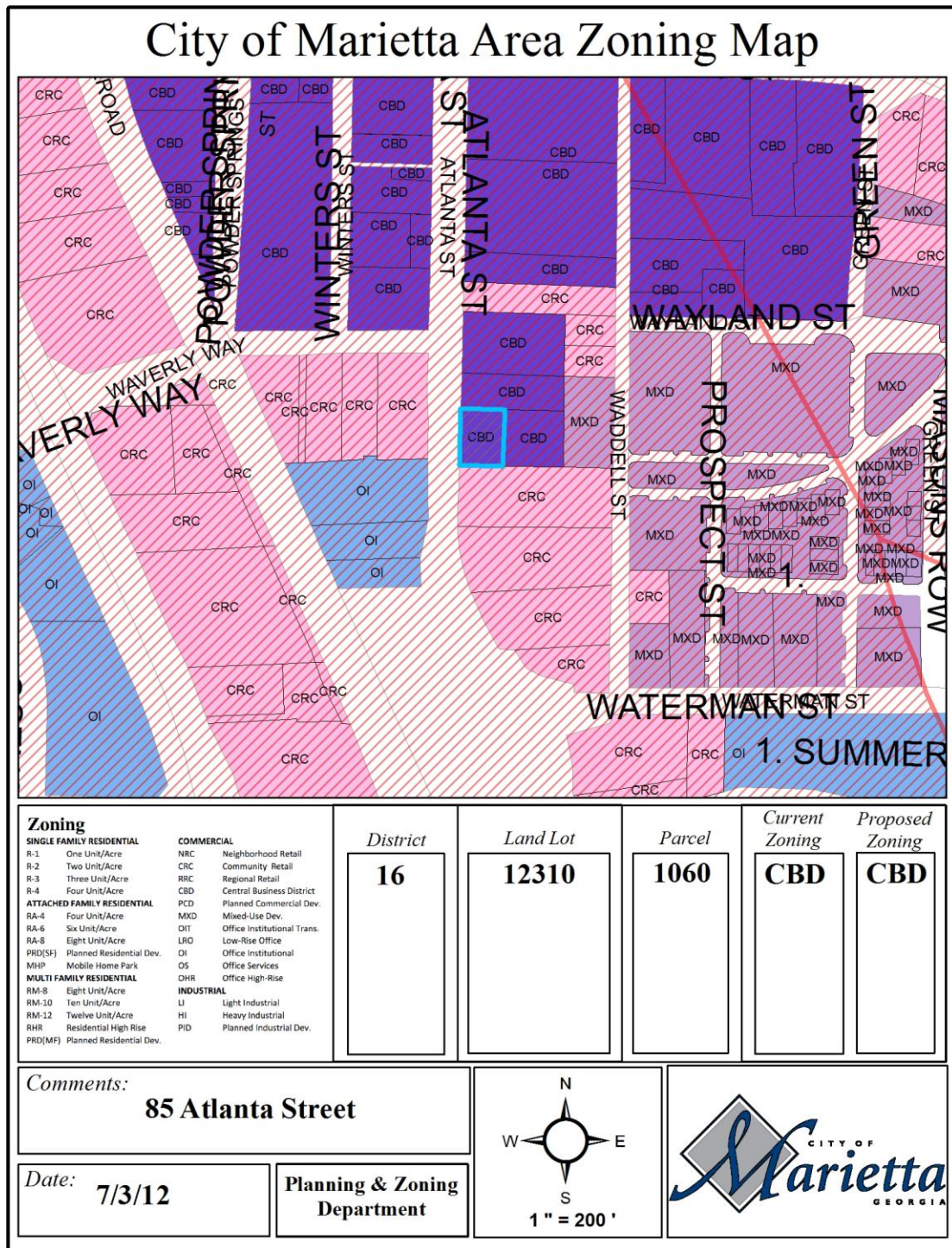
RECOMMENDATION: CBD (Central Business District)

REASON FOR REQUEST: The applicant is requesting to rezone this property from CBD to CBD with an additional use so the property may be used for a car rental facility.

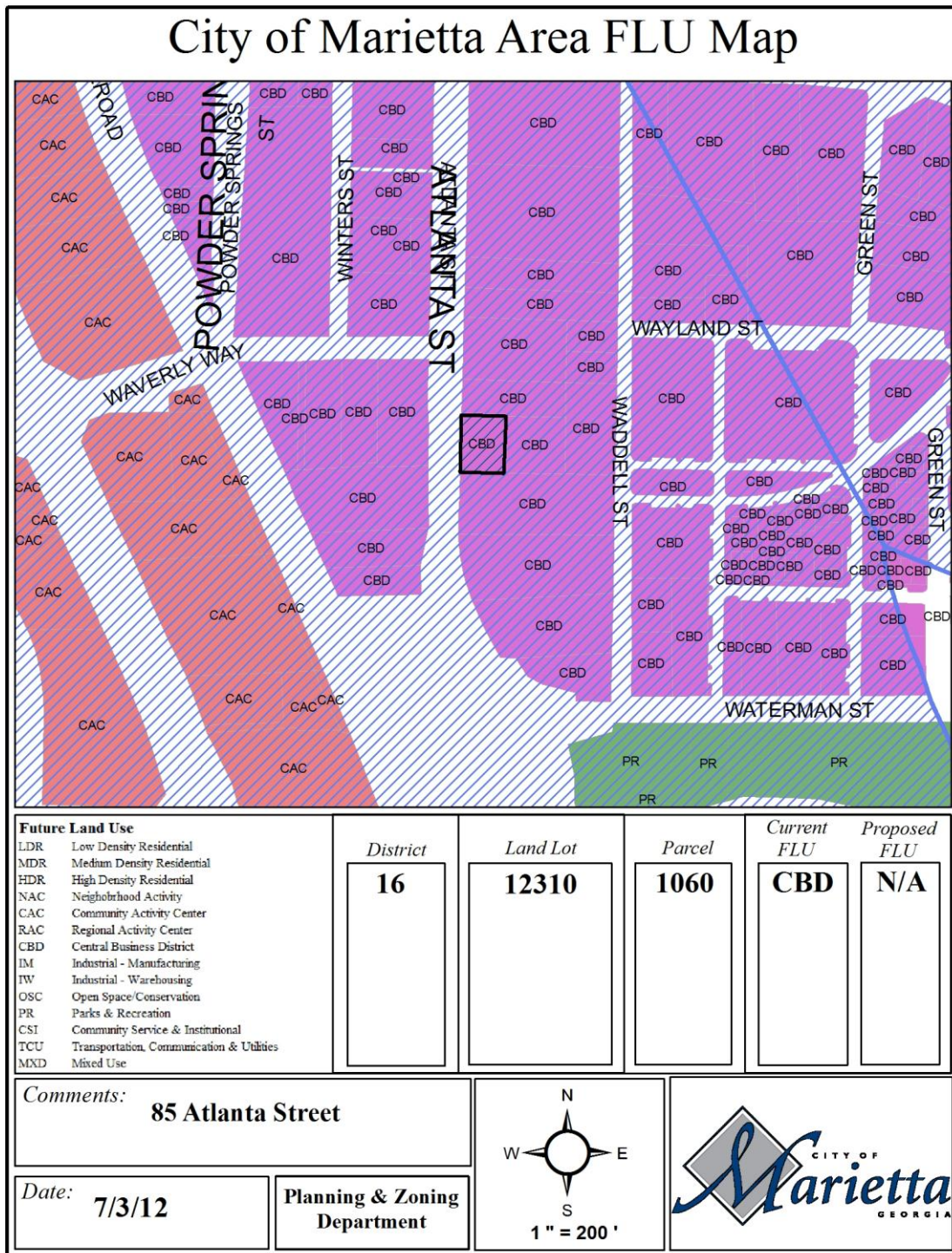
PLANNING COMMISSION HEARING: Wednesday, August 1, 2012 – 6:00 p.m.

CITY COUNCIL HEARING: Wednesday, August 8, 2012 – 7:00 p.m.

MAP



FLU MAP



PICTURES OF PROPERTY



85 Atlanta Street



Aerial view of subject property

STAFF ANALYSIS

Location Compatibility

The petitioner, Keith Cristal, is requesting the rezoning of the property located at 85 Atlanta Street from CBD (Central Business District) to CBD with an additional use. The purpose of the rezoning would be to allow the property to be used for a vehicle leasing company, a use that is not currently listed as permitted within the CBD zoning district. Mr. Cristal currently operates a nearby used car sales business and an auto repair shop nearby; and he realized the need for a convenient vehicle leasing business to accommodate customers of the auto repair shop who may have to leave their car for a period of time.

The properties immediately to the north and east of the subject property are also zoned CBD. To the south is an apartment building zoned CRC (Community Retail Commercial). Across Atlanta Street to the west is a used car dealership zoned CRC.

Use Potential and Impacts

The stated purpose of the CBD zoning district is “to protect and promote suitable areas for business and commercial uses which benefit from proximity to each other, to encourage the eventual elimination of uses inappropriate to a central business area, and to encourage the intensive development of a centralized business center for the City of Marietta.” Although the purpose statement does not explicitly state which uses are encouraged or inappropriate, it does state the encouragement of “uses which benefit from proximity to each other.” This encourages a mixture of residential and commercial/office, and the promotion of a walkable downtown. Auto-oriented uses, while permitted, may be more appropriate in situations where larger parcels are available.

The CBD zoning category does not have a maximum Floor Area Ratio (FAR), a minimum lot size, is exempt from the Tree Ordinance, and is generally exempt from parking requirements. These regulations are designed to preserve and encourage buildings covering most, if not all, of the parcel, and require customers to park on the street or in structured parking decks. In addition, most CBD-zoned parcels are quite small in area (the subject property is only 0.167 acres).

Automobile sales, a similar business in that an ample amount of vehicular storage is needed, is permitted in CBD only on parcels with a minimum of 20,000 s.f. (0.46 acres). Car repair facilities have no area requirements, and in fact, the applicant operates such a facility on a CBD zoned property one block to the north of the subject property. Although the property adheres to the requirements for car maintenance facilities, it often appears to be at- or over -capacity with regard to parking/storage.

This property has previously been used as an office and as a retail use, and although allowing a vehicle leasing company to operate on this site should not necessarily have a negative impact any of the surrounding properties, the intensity of the use, i.e. the number of cars to be stored on the site, could be problematic. For example, the existing parking/storage design for the site indicates that there are eight (8) parking spaces that would have to back out directly into traffic on Atlanta Street. In addition, the car storage area behind the building indicates approximately ten (10) vehicles parked end to end.

Marietta's Comprehensive Plan designates this parcel's Future Land Use (FLU) as CBD. The uses deemed appropriate for the downtown area are described as:

- *"a mixture of residential and non-residential activity...The commerce, office, and civic uses that predominate on the square are an important factor in the area's strong sense-of-place"*
- *"diverse and compatible in use and appearance with existing development in the CBD."*
- *"reinforce the unique role and character of downtown Marietta"*

While other auto-oriented businesses are allowed in CBD, it is unclear whether this request is in line with the recommendations regarding compatibility, character and appearance.

Environmental Impacts

The applicant is not proposing any changes to the site so there should be no additional environmental impacts caused by the proposed use.

Economic Functionality

This property has functioned as a part of Marietta Lighting until it went out of business in 2007. Since that time, business license history indicates that the subject property has been unused. Since CBD contains one of the widest ranges of uses in the Zoning Ordinance, it is not likely that the property is inappropriately zoned. Rather, this indicates a problem with either the location of the property or the overall functioning of the economy, and will not likely be resolved by rezoning.

Infrastructure

Because the applicant is not proposing any physical improvements to the property, there should be no negative impacts on the transportation, education, water, sewer, electricity, or other public infrastructure in the area.

The applicant's proposed configuration of storing the vehicles is worth noting. Because of the limited space available on the site, the eight to twelve rental cars parked in the rear of the property will be parked in such a way that only the outer cars will be accessible. The ability to access the vehicles without impacting traffic flow on Atlanta Street may be a concern.



History of Property

There is no indication that any variances, Special Land Use Permits, or rezonings have been heard for this property.

Other Issues

This property falls within the Downtown Marietta Historic District, which is under the purview of the Marietta Historic Board of Review. The HBR has classified the property as contemporary, meaning that any material work on the exterior appearance of the building, subject to view from a public street or walk, will require a certificate of approval.

Although the property is located within the Commercial Corridor Overlay District, Tier B because it lies within 500 feet of South Marietta Parkway, it is exempt from those standards because of its location within the Downtown Marietta Historic District.



ANALYSIS & CONCLUSION

Keith Cristal is requesting the rezoning of 85 Atlanta Street from CBD (Central Business District) to CBD with an additional use to allow a vehicle leasing company. Mr. Cristal currently operates a nearby used car sales business and an auto repair shop nearby; and he realized the need for a convenient vehicle leasing business to accommodate customers of the auto repair shop who may have to leave their car for a period of time.

Allowing vehicle leasing company as an additional use should not negatively impact any of the surrounding properties, provided there is enough space on the property to store and access the vehicles. CBD parcels are naturally designed to be small parcels with minimal parking, making them unsuitable for businesses that require a lot of storage for vehicles. The subject parcel is 7,276 square feet (0.167 ac.) in area. A similar use, automobile sales, is allowed in the CBD only if the parcel is at least 20,000 square feet in area. Although car repair facilities are allowed by right in CBD with no area requirement, the nearby car repair facility struggles with finding vehicular storage. Similarly, the ability of the proposed vehicle rental facility to provide storage and access to the vehicles without impacting traffic flow on Atlanta Street may be a concern.

Marietta's Comprehensive Plan designates this parcel's Future Land Use (FLU) as CBD, Central Business District. While other auto-oriented businesses are allowed in CBD, it is unclear whether this request is in line with the recommendations regarding compatibility, character and appearance.

Prepared by: _____

Approved by: _____



DATA APPENDIX

CITY OF MARIETTA - WATER

Is a water line adjacent to the property?	Yes
If not, how far is the closest water line?	n/a
Size of the water line?	8-inch
Capacity of the water line?	Flow test required
Approximate water usage by proposed use?	Not provided

CITY OF MARIETTA - SEWER

Is a sewer line adjacent to the property?	Yes
If not, how far is the closest sewer line?	n/a
Size of the sewer line?	8-inch
Capacity of the sewer line?	Available
Estimated waste generated by proposed development?	A.D.F Peak Not provided
Treatment Plant Name?	Cobb County Water System
Treatment Plant Capacity?	Cobb County Water System
Future Plant Availability?	Cobb County Water System

DATA APPENDIX CONTINUED

DRAINAGE AND ENVIRONMENTAL CONCERNS

Does flood plain exist on the property?	NO
What percentage of the property is in a floodplain?	---
What is the drainage basin for the property?	Sope Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	NO
If so, is the use compatible with the possible presence of wetlands?	---
Do stream bank buffers exist on the parcel?	NO
Are there other topographical concerns on the parcel?	NO
Are there storm water issues related to the application?	NO
Potential presence of endangered species in the area?	NO

Transportation

What is the road affected by the proposed change?	Atlanta Street Waverly Way
What is the classification of the road?	Atlanta Street: Collector Waverly Way: Local
What is the traffic count for the road?	Atlanta Street: 17,910 AADT 2 way
Estimated number of cars generated by the proposed development? **	Insufficient Data Provided
Estimated number of trips generated by the proposed development? **	Insufficient Data Provided
Do sidewalks exist in the area?	YES
Transportation improvements in the area?	YES
If yes, what are they?	Intersection Improvements – Waverly Way & Atlanta Street

*** The above Trip Generation numbers are estimated from an ITE list. We make these estimates in good faith using known data at the time of the review.*

- If any future development is planned, site plans will be required for construction. Site plans will need to include, parking, driveways, streets, erosion-sedimentation-and pollution control plan, stormwater management (preventing concentrated flows from adjacent lots roads, and areas), stormwater quality (bioretention or other on each lot), and any other applicable improvements required by City Code and Georgia Stormwater Management Manual. Additional comments will be made at time of site plan submittal. There can be no point discharge onto adjacent property which is not into a stream, defined drainageway, or storm sewer. Discharge will not be allowable at the property line, or into the street R.O.W. If easements are required for drainage through adjacent property, then the owner is to obtain.
- The proposed intersection improvements will not adversely impact this parcel.
- There can be no parking on the parcel which will block or impair pedestrian access to the sidewalk at any time. Existing parking spaces do not currently impact this concern.

EMERGENCY SERVICES

Nearest city or county fire station from the development?	Marietta Station 51
Distance of the nearest station?	.6 miles
Most likely station for 1 st response?	Marietta Station 51
Service burdens at the nearest city fire station (under, at, or above capacity)?	none

MARIETTA POWER – ELECTRICAL

Does Marietta Power serve this site? Yes X No

If not, can this site be served? Yes No

What special conditions would be involved in serving this site?